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6 **IN THE UNITED STATES DISTRICT COURT**  
7 **FOR THE DISTRICT OF ARIZONA**  
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9 Tomas Latham,  
10 Plaintiff,

11 v.

12 B. Gibson, et al.,  
13 Defendants.  
14

No. CV-23-02429-PHX-GMS (DMF)

**ORDER**

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16 Pending before the Court is the Report and Recommendation (“R&R”) of  
17 Magistrate Judge Deborah M. Fine (Doc. 30) regarding Plaintiff’s Motion for Leave to  
18 Amend Complaint (Doc. 23) and Plaintiff’s lodged proposed First Amended Complaint  
19 (Doc. 24). The R&R recommends Plaintiff’s Motion be denied for failure to comply with  
20 LRCiv 15.1, for failure to comply with the Court’s previous orders and the new claims  
21 presented in Plaintiff’s lodged proposed First Amended Complaint (Doc. 24) are futile.  
22 The Magistrate Judge advised the parties that they had fourteen days to file objections to  
23 the R&R. (R&R at 13 (citing 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 6, 72; *United States*  
24 *v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9<sup>th</sup> Cir. 2003). No objections were filed.

25 Because the parties did not file objections, the Court need not review any of the  
26 Magistrate Judge’s determinations on dispositive matters. *See* 28 U.S.C. § 636(b)(1); Fed.  
27 R. Civ. P. 72(b); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9<sup>th</sup> Cir. 2003);  
28 *Thomas v. Arn*, 474 U.S. 140, 149 (1985) (“[Section 636(b)(1)] does not . . . require any

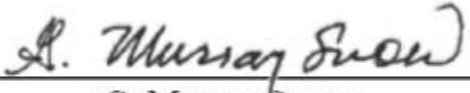
1 review at all . . . of any issue that is not the subject of an objection.”). The absence of a  
2 timely objection also means that error may not be assigned on appeal to any defect in the  
3 rulings of the Magistrate Judge on any non-dispositive matters. Fed. R. Civ. P. 72(a) (“A  
4 party may serve and file objections to the order within 14 days after being served with a  
5 copy [of the magistrate’s order]. A party may not assign as error a defect in the order not  
6 timely objected to.”); *Simpson v. Lear Astronics Corp.*, 77 F.3d 1170, 1174 (9th Cir. 1996);  
7 *Phillips v. GMC*, 289 F.3d 1117, 1120–21 (9th Cir. 2002).

8 Notwithstanding the absence of an objection, the Court has reviewed the R&R and  
9 finds that it is well taken. The Court will accept the R&R and deny Plaintiff’s Motion for  
10 Leave to Amend Complaint (Doc. 23; *see also* Doc. 24).

11 **IT IS THEREFORE ORDERED** that Report and Recommendation of the  
12 Magistrate Judge (Doc. 30) is accepted.

13 **IT IS FURTHER ORDERED** denying Plaintiff’s Motion for Leave to File  
14 Amended Complaint (Doc. 23).

15 Dated this 16th day of December, 2024.

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18 G. Murray Snow  
19 Senior United States District Judge  
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